



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

## Provincial Gazette Extraordinary

## Buitengewone Provinsiale Koerant

## Isongezelelo kwiGazethi yePhondo

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(\*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

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(\*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWisomthetho, 7 Wale Street, eKapa 8001.)

#### Provincial Notice

#### Provinsiale Kennisgewing

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The following Provincial Notice is published for general information:

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**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,  
Waalstraat,  
Kaapstad.

**IZAZISO ZEPHONDO**

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,  
UMLAWULI-JIKELELE

ISakhiwo sePhondo,  
Wale Street,  
eKapa.

**PROVINCIAL NOTICE**

P.N. 51/2019

15 April 2019

**WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)  
WESTERN CAPE LAND USE PLANNING REGULATIONS, 2015: AMENDMENT, 2019**

The Provincial Minister of Local Government, Environmental Affairs and Development Planning, under section 76 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), has made the regulations set out in the Schedule.

**SCHEDULE****Definition**

1. In these regulations “the Regulations” means the Western Cape Land Use Planning Regulations, 2015, published under Provincial Notice 203/2015 of 26 June 2015.

**Amendment of Arrangement of Regulations**

2. The Arrangement of Regulations before regulation 1 of the Regulations is amended by the substitution for the reference to the heading to regulation 10 of the following item:

“**10.** Land development requiring provincial approval and exempted categories of land development”.

**Amendment of regulation 1 of the Regulations**

3. Regulation 1 of the Regulations is amended—

- (a) by the substitution for the definition of “agricultural land” of the following definition:  
 “**‘agricultural land’** means land outside the physical outer edge of the existing urban area, excluding—  
 (a) land declared as a protected area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); or  
 (b) land that was immediately before the commencement of the Act zoned for a purpose other than agriculture;” and  
 (b) by the addition after the definition of “the Act” of the following definition:  
 “**‘utility services’** means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development, and includes a water reservoir and purification works, an electricity substation and generation facility, storm water retention facilities, a waste-water pump station and treatment works and freestanding base telecommunication station, but excludes power and communication lines, underground cables, pipes, canals or roads.”.

#### **Amendment of regulation 3 of the Regulations**

**4. Regulation 3 of the Regulations is amended—**

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:  
“(b) two other representatives of the Department who have knowledge of, and experience in, land use planning, nominated by the Head of Department;”;
- (b) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:  
“(c) three representatives of the Department who are registered planners, nominated by the Head of Department;”;
- (c) by the substitution for paragraph (d) of subregulation (1) of the following paragraph:  
“(d) two representatives of the provincial department responsible for environmental affairs who have knowledge of, and experience in, environmental management, nominated by the head of that department;”;
- (d) by the substitution for paragraph (e) of subregulation (1) of the following paragraph:  
“(e) a representative of each of the other provincial departments, nominated by each of the heads of those provincial departments;”;
- (e) by the substitution for paragraph (f) of subregulation (1) of the following paragraph:  
“(f) two municipal representatives of each of the local, district and metropolitan municipalities, nominated by each municipality, of whom—
  - (i) one must be a registered planner; or
  - (ii) if a municipality does not have a registered planner, one must have knowledge of, and experience in, land use planning;”;
- (f) by the substitution for paragraph (g) of subregulation (1) of the following paragraph:  
“(g) a representative of each national department responsible for local government, land affairs, urban and rural development, regional planning and development, environment, agriculture, housing, roads and public works, nominated by the heads of each of those national departments;” and
- (g) by the substitution for paragraph (j) of subregulation (1) of the following paragraph:  
“(j) a representative of each neighbouring provincial government, nominated by each of the heads of department responsible for provincial planning in those provincial governments.”.

#### **Amendment of regulation 4 of the Regulations**

**5. Regulation 4 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:**

“(2)(a) The members of a provincial committee may submit written comments or representations on a draft provincial spatial development framework, draft amendment of a provincial spatial development framework or draft document related thereto on behalf of the organs of state or the South African Local Government Association that they represent, when requested to do so by the chairperson of the committee.

(b) If no comments are submitted by the due date, it will be accepted that the members of the provincial committee have no comments on the draft provincial spatial development framework, draft amendment of a provincial spatial development framework or draft document related thereto.”.

#### **Amendment of regulation 5 of the Regulations**

**6. Regulation 5 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:**

“(2) The provincial committee must meet at the times and places determined by the chairperson.”.

### Amendment of regulation 8 of the Regulations

7. Regulation 8 of the Regulations is amended—

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
  - “(b) two other representatives of the Department who have knowledge of, and experience in, land use planning, one of whom must be a registered planner, nominated by the Head of Department;”;
- (b) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:
  - “(c) a representative of the provincial department responsible for environmental affairs who has knowledge of, and experience in, environmental management, nominated by the head of that department;”;
- (c) by the substitution for paragraph (d) of subregulation (1) of the following paragraph:
  - “(d) a representative of each of the other provincial departments, nominated by each of the heads of the provincial departments;”;
- (d) by the substitution for paragraph (e) of subregulation (1) of the following paragraph:
  - “(e) a municipal representative who is a registered planner, of each municipality in the region to which the provincial regional spatial development framework will apply, nominated by each of those municipalities or, if a municipality does not have a registered planner, a municipal employee of that municipality who has knowledge of, and experience in, land use planning; and”;
- (e) by the substitution in subregulation (7)(c) for subparagraph (i) of the following subparagraph:
  - “(i) at least three municipalities in the region to which the regional spatial development framework or amendment thereto will apply; or”.

### Amendment of regulation 10 of the Regulations

8. Regulation 10 of the Regulations is amended—

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
  - “(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;”;
- (b) by the addition after paragraph (b) of subregulation (1) of the following paragraphs:
  - “(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;
  - (d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling; and
  - (e) proposed land development for any nuclear electricity generation facility.”;
- (c) by the substitution for paragraph (b) of subregulation (2) of the following paragraph:
  - “(b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.”;
- (d) by the deletion of paragraph (c) of subregulation (2); and

- (e) by the substitution for the words preceding paragraph (a) of subregulation (3) of the following words:

“(3) Before listing any category of land development in terms of subregulation (1)(a), the Provincial Minister must publish a notice in the *Provincial Gazette*—”.

#### **Amendment of regulation 11 of the Regulations**

9. Regulation 11 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

“(4) The Head of Department must keep minutes of the proceedings of a pre-application consultation and a database of the applications received.”.

#### **Amendment of regulation 12 of the Regulations**

10. Regulation 12 of the Regulations is amended by the substitution for subregulation (7) of the following subregulation:

“(7) The owner concerned must obtain the correspondence and notifications contemplated in subregulation (6) from the agent, and the agent must inform the owner at all times.”.

#### **Amendment of regulation 23 of the Regulations**

11. Regulation 23 of the Regulations is amended—

- (a) by the substitution for subregulation (3) of the following subregulation:  
“(3) An appeal must be lodged within 21 days of the date of notification of the decision in respect of which the appeal is lodged, and for this purpose the appeal must reach the office of the Minister within the aforesaid timeframe regardless of the method of delivery.”;
- (b) by the insertion after subregulation (3) of the following subregulation:  
“(3A) The Provincial Minister may—  
(a) on request in writing at the time the appeal is lodged; and  
(b) on good cause shown,  
allow an additional period of up to 21 days for the submission of additional information on an appeal lodged as contemplated in subregulation (3);”;
- (c) by the insertion after paragraph (b) of subregulation (6) of the following paragraph:  
“(bA) make a decision on a request contemplated in subregulation (3A);”;
- (d) by the substitution in subregulation (6)(c) for subparagraph (i) of the following subparagraph:  
“(i) if the appeal complies with this regulation, notify the appellant of the acceptance of the appeal, and, if applicable, whether an additional period contemplated in subregulation (3A) is granted;”;
- (e) by the substitution for subregulation (7) of the following subregulation:  
“(7) A person, including the applicant if the appellant is not the applicant, who has received notice of an appeal in terms of subregulation (6)(c)(iii) may, within 21 days of the date of notification of the appeal, or within the further period agreed to by the Provincial Minister, submit written comments thereon to the Provincial Minister and copies thereof to the appellant and, if the appellant is not the applicant, also to the applicant.”;
- (f) by the substitution for subregulation (12) of the following subregulation:  
“(12) The Provincial Minister may request any organ of state, applicant or appellant to comment on an appeal or to submit additional information in connection with the appeal as the Provincial Minister may require.”; and

(g) by the substitution for subregulation (14) of the following subregulation:

“(14) The period from 15 December to 5 January is excluded from the reckoning of any period referred to in subregulation (6)(c) and regulation 24 and 33.”.

#### **Amendment of regulation 25 of the Regulations**

12. Regulation 25 of the Regulations is amended by the addition after subregulation (2) of the following subregulation:

“(3) The consultation between the Provincial Minister and the Provincial Minister responsible for agriculture must be concluded within 30 days of receipt by the Provincial Minister responsible for agriculture of the referral contemplated in subregulation (1).”.

#### **Amendment of regulation 26 of the Regulations**

13. Regulation 26 of the Regulations is amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

“(b) within 90 days of receipt of all the relevant information, including any comments or replies to comments, supporting documentation, reports or any additional information requested.”.

#### **Substitution of regulation 27 of the Regulations**

14. The following regulation is substituted for regulation 27 of the Regulations:

“27. The Provincial Minister must, within 14 days of his or her decision on an appeal, notify the appellant, the applicant if the appellant is not the applicant and any person who has submitted comments on the appeal of the decision and the reasons therefor.”.

#### **Transitional arrangements**

15. (1) Any application or appeal lodged in terms of the Regulations before the commencement of these regulations must be administered as if these regulations have not been made.

(2) Notwithstanding subregulation (1), if a decision is pending on an application or appeal contemplated in that subregulation in circumstances where the proposed land development no longer requires approval, the Head of Department, or the Minister in the case of an appeal, must consider the application or appeal to be withdrawn.

(3) An approval granted, and any condition imposed, in terms of the Regulations before the commencement of these regulations remain in effect.

#### **Short title**

16. These regulations are called the Western Cape Land Use Planning Regulations, 2015: Amendment, 2019.

### Substitution of Annexure B of the Regulations

17. The following Annexure is substituted for Annexure B of the Regulations:

#### “ANNEXURE B

<p><b>LAND DEVELOPMENT APPLICATION FORM</b> (Section 53 of the Act and regulations 10 and 12)</p> <p><b>EXTENSION OF VALIDITY PERIOD APPLICATION FORM</b> (Section 57 of the Act and regulation 28)</p>
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#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

<b>Address of Department</b> (To be completed by an official)			
<b>Reference number</b> (To be completed by an official)			
Complete this form by using <b>BLOCK</b> letters and by ticking the appropriate boxes.			
<b>PART A: APPLICATIONS IN TERMS OF THE ACT</b>			
<b>Land Development</b> (Section 53(2) of the Act and regulations 10(4) and 12)	Y	N	If yes, complete all parts, except part H, of this application form.
<b>Amendment of land development approval</b> (Section 53(2) of the Act and regulations 10(5) and 12)	Y	N	If yes, complete all parts, except part H, of this application form.
<b>Extension of Validity Period</b> (Section 57(2) of the Act and regulation 28)	Y	N	If yes, complete all parts, except part G, of this application form.
<b>PART B: APPLICANT DETAILS</b>			
First name(s)			
Surname			
Company name (If applicable)			
Postal address		Postal code	
E-mail			
Tel.		Fax	
		Cell.	

<b>PART C: DETAILS OF OWNER(S)</b> <i>(If different from applicant)</i>										
Full name(s)										
Physical address(es)								Postal code		
E-mail										
Tel.				Fax				Cell.		
<b>PART D: PROPERTY DETAILS</b> <i>(In accordance with title deed)</i>										
Property description <i>(Number(s) of Erf/ Erven/Portion(s) or Farm(s))</i>										
Physical address						Town/City				
Geographic coordinates (Degrees, minutes and seconds)		S	° ' "			E	° ' "			
Current zoning				Extent	m <sup>2</sup> / ha		Are there existing buildings?		Y N	
Current land use										
Title deed number and date		T								
Any restrictive conditions?		Y	N	If yes, list conditions						
Is the property encumbered by a bond?		Y	N	If yes, list bondholder(s)						
<b>PART E: PRE-APPLICATION CONSULTATION</b> <i>(Regulation 11)</i>										
Has there been any pre-application consultation?			Y	N	If yes, complete the information below and attach the minutes of the pre-application consultation.					
Official's name				Reference number				Date of consultation		



<b>PART F: APPLICATION FEE* (Annexure D)</b>					
<b>Land development application</b>				R5000	
<b>Amendment of land development approval</b>				R2000	
<b>Extension of validity period</b>				R2000	
<b>Total application fee</b>					
<b>EXEMPTION FROM APPLICATION FEES** (Annexure D)</b>					
The development is funded by a government grant.	Y	N	The applicant is an organ of state.	Y	N
<p><i>* The application fee does not include the costs for publication of a notice in the Provincial Gazette or media or the serving of notices contemplated in regulation 14, 16 or 18, because the applicant is liable for the costs of these notices.</i></p> <p><i>**If exempted from paying application fees, attach proof.</i></p>					
<b>BANKING DETAILS OF DEPARTMENT (To be completed by an official)</b>					
<p>Name: Department of Environmental Affairs and Development Planning</p> <p>Bank:</p> <p>Branch no.:</p> <p>Account no.:</p> <p>***Fee reference: .....</p> <p style="text-align: center;"><i>(Your specific fee reference number <b>MUST</b> be used as deposit reference when making a payment.)</i></p> <p style="text-align: center;"><b>***Kindly obtain a specific fee reference number from the Department.</b></p>					
<b>BANKING DETAILS OF APPLICANT (Regulation 35)</b>					
<p><i>The applicant must complete his or her banking details for the purposes of a refund of the application fees if the application is withdrawn and the application fees are not forfeited.</i></p> <p>Name:</p> <p>Bank:</p> <p>Branch no.:</p> <p>Account no.:</p>					

**PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND DEVELOPMENT APPLICATION OR AMENDMENT OF LAND DEVELOPMENT APPROVAL**  
(Regulation 12(2)(a) to (p))

**Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being accepted.**

Y	N	N/A	Bondholder's consent (if applicable)	Y	N	N/A	Plan indicating land development in the region or Province that is similar to land development applied for that will have a cumulative effect in the region or Province
Y	N	N/A	Power of attorney/Owner's consent if applicant is not owner	Y	N	N/A	Layout plan of existing utilisation of land, structures and activities
Y	N	N/A	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N	N/A	Conceptual layout plan
Y	N	N/A	Proof of payment of fees	Y	N	N/A	List of other approvals that are required for the proposed land development and that have been applied for
Y	N	N/A	Locality plan	Y	N	N/A	Motivation for application
Y	N	N/A	Full copy of the title deed	Y	N	N/A	Assessment of effect on agriculture and related information or documentation
Y	N	N/A	Proof of existing zoning applicable	Y	N	N/A	Any additional documents or information as listed in the pre-application consultation
Y	N	N/A	Plan indicating surrounding utilisation of land that will be affected	Y	N	N/A	Other ( <i>Specify</i> )
Y	N	N/A	Plan indicating surrounding zonings that will be affected				
Y	N	N/A	Copy of notice of original decision				

**PART H: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR EXTENSION APPLICATION**

Y	N	N/A	Copy of notice of original decision	Y	N	N/A	Extension motivation report
Y	N	N/A	Proof of payment of fees	Y	N	N/A	Other ( <i>Specify</i> )

PART I: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION							
Y	N	N/A		Y	N	N/A	
			National Heritage Resources Act, 1999 (Act 25 of 1999)				By-Law on Municipal Land Use Planning
Y	N	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)	Y	N	N/A	Specific environmental management Act(s), for example, the Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), and the National Water Act, 1998 (Act 36 of 1998)
Y	N	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				
Y	N	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)	Y	N	N/A	Other ( <i>Specify</i> )

**PART J: DECLARATION**

I hereby wish to confirm that—

1. the information contained in this application form and the accompanying documentation are complete and correct;
2. I am aware that it is an offence in terms of section 74(1)(b) of the Act to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct;
3. I am properly authorised to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto; and
4. where an agent is appointed to submit this application on the owner’s behalf, it is accepted that correspondence from and notifications by the Head of Department in terms of the Act and these regulations will be sent only to the agent and that the owner will regularly consult with the agent in this regard.

Applicant’s signature \_\_\_\_\_

Date

Full name

Professional capacity

<b>FOR OFFICE USE ONLY</b>	
Date received:	Received by:
_____	_____
<div style="border: 1px solid black; width: 200px; height: 100px; display: flex; align-items: center; justify-content: center;">Departmental stamp</div>	

### Substitution of Annexure C of the Regulations

18. The following Annexure is substituted for Annexure C of the Regulations:

#### “ANNEXURE C

#### APPEAL FORM

(Section 56 of the Act and regulation 23)

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

<b>Address of Department</b> (To be completed by an official)				
<b>Reference number</b> (To be completed by an official)				
Complete this form using BLOCK letters and ticking the appropriate boxes.				
Note: An appeal to the Provincial Minister must be submitted within <b>21 days</b> of the date of registration of the notification of the decision.				
<b>PART A: APPEAL</b>				
Are you appealing against the decision of the Head of Department?		Y	N	
Are you appealing against a condition of approval imposed by the Head of Department?		Y	N	If yes, list condition(s) in Part F
Are you are appealing because your rights have been affected by the failure of the Head of Department to decide on your application within the prescribed period?		Y	N	
Date of decision	DD/MM/YYYY	Date of notification	DD/MM/YYYY	
<b>PART B: APPELLANT'S DETAILS</b>				
First name(s)				
Surname				
Company or legal person's name (If applicable)				
Physical address				

Postal address <i>(If different from physical address)</i>				Postal code				
E-mail								
Tel.		Fax		Cell.				
<b>PART C: APPELLANT'S PROPERTY DESCRIPTION</b> <i>(Property that is affected by proposed development)</i>								
Property description <i>Number(s) of Erf/ Erven/Portion(s) or Farm(s)</i>				Town/City				
Geographic coordinates (Degrees, minutes and seconds)	S	°	'	"	E ° ' "			
Physical address								
<b>PART D: DESCRIPTION OF PROPERTY ON WHICH DEVELOPMENT IS TO TAKE PLACE</b>								
Property description <i>Number(s) of Erf/ Erven/Portion(s) or Farm(s)</i>				Town/City				
Physical address								
<b>PART E: APPEAL FROM AFFECTED PERSON(S)</b>								
How were you notified of the decision that you are appealing against?	Newspaper	Y	N	<i>Provincial Gazette</i>	Y	N	Other <i>(Specify)</i>	
<b>State* why the decision or conditions of approval affect your rights:</b>								
* <i>Statement may be attached.</i>								

<b>PART F: APPEAL MOTIVATION AND REASONS*</b>	
<p><i>* Appeal motivation and reasons may be attached.</i></p>	

<b>PART G: APPEAL FEE* (Annexure D)</b>	
	<b>Appeal</b> R0
	<b>Total appeal fee</b> R0

<b>EXEMPTION FROM APPEAL FEES** (Annexure D)</b>					
The development is a community-based project funded by a government grant.	Y	N	The applicant is an organ of state.	Y	N
<p><i>* The appeal fee does not include the costs for giving notice in terms of regulation 23 because the appellant is liable for the costs of these notices.</i></p> <p><i>** If exempted from paying appeal fees, attach proof.</i></p>					

<b>BANKING DETAILS OF DEPARTMENT (To be completed by an official)</b>	
Name:	Department of Environmental Affairs and Development Planning
Bank:	
Branch no.:	
Account no.:	
<b>*** Fee reference:</b> .....	
	<i>(Your specific fee reference number <b>MUST</b> be used as deposit reference when making a payment.)</i>
	<b>***Kindly obtain a specific fee reference number from the Department.</b>

**BANKING DETAILS OF APPELLANT (Regulation 35)**

*The appellant must complete his or her banking details below for purposes of a refund of the appeal fees if the appeal is withdrawn and the appeal fees are not forfeited.*

Name:

Bank:

Branch no.:

Account no.:

**PART H: ATTACHMENTS AND SUPPORTING INFORMATION**

**Complete the following checklist and attach where applicable.**

Y	N/A	Proof of notification of decision
Y	N/A	Copy of decision and conditions of approval
Y	N/A	Proof of payment of fees
Y	N/A	Statements
Y	N/A	Motivation and reasons for appeal
Y	N/A	Other ( <i>Specify</i> )

**PART I: DECLARATION**

I hereby wish to confirm that—

1. the information contained in this form and accompanying documentation is complete and correct; and
2. I am aware that it is an offence in terms of section 74(1)(b) of the Act to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

Appellant's signature \_\_\_\_\_

Date

Full name

--	--



<b>FOR OFFICE USE ONLY</b>	
Date received:	Received by:
_____	_____
<div data-bbox="242 589 691 869" style="border: 1px solid black; padding: 10px; width: fit-content;">Departmental stamp</div>	

**PROVINSIALE KENNISGEWING**

P.K. 51/2019

15 April 2019

**WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014)  
WES-KAAPSE REGULASIES OP GRONDGEBRUIKBEPLANNING, 2015: WYSIGING, 2019**

Die Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, kragtens artikel 76 van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014), het die regulasies in die Bylae uiteengesit gemaak.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Regulasies op Grondgebruikbeplanning, 2015, gepubliseer onder Provinsiale Kennisgewing 203/2015 van 26 Junie 2015.

**Wysiging van Indeling van Regulasies**

2. Die Indeling van Regulasies voor regulasie 1 van die Regulasies word gewysig deur die verwysing na die opskrif van regulasie 10 deur die volgende item te vervang:

- “10. Grondontwikkeling wat provinsiale goedkeuring benodig en vrygestelde kategorieë van grondontwikkeling”.

**Wysiging van regulasie 1 van die Regulasies**

3. Regulasie 1 van die Regulasies word gewysig—

- (a) deur die omskrywing van “landbougrond” deur die volgende omskrywing te vervang:

“**‘landbougrond’** grond buite die fisiese buitenste rand van die bestaande stedelike gebied, uitgesonderd—

- (a) grond wat tot ’n beskermde gebied verklaar is ingevolge die “National Environmental Management: Protected Areas Act, 2003” (Wet 57 van 2003); of  
(b) grond wat onmiddellik voor die inwerkingtreding van die Wet vir ’n ander doel as landbou gesoneer was;” en

- (b) deur ná die omskrywing van “landbougrond” die volgende omskrywing in te voeg:

“**‘nutsdienste’** ’n gebruik of infrastruktuur wat benodig word vir die verskaffing van ingenieurs- en verwante dienste vir die behoorlike funksionering van stedelike ontwikkeling, en ook ’n waterreservoir en watersuiweringswerke, ’n elektrisiteitsubstasie en -opwekkingsfasiliteit, stormwateropvangsfasiliteite, afvalwaterpompstasie en -behandelingswerke en ’n vrystaande basistelekommunikasiestasie, maar nie ook krag- en kommunikasielyne, ondergrondse kables, pype, kanale of paaie nie;”.

**Wysiging van regulasie 3 van die Regulasies**

4. Regulasie 3 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

“(b) twee ander verteenwoordigers van die Departement wat kennis en ondervinding van grondgebruikbeplanning het, benoem deur die Departementshoof;”;

- (b) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(c) drie verteenwoordigers van die Departement wat geregistreerde beplanners is, benoem deur die Departementshoof;”;
- (c) deur paragraaf (d) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(d) twee verteenwoordigers van die provinsiale departement verantwoordelik vir omgewingsake wat kennis en ondervinding van omgewingsbestuur het, benoem deur die hoof van daardie departement;”;
- (d) deur paragraaf (e) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(e) ’n verteenwoordiger van elk van die ander provinsiale departemente, benoem deur elk van die hoofde van daardie provinsiale departemente;”;
- (e) deur paragraaf (f) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(f) twee munisipale verteenwoordigers van elk van die plaaslike, distriks- en metropolitaanse munisipaliteite, benoem deur elke munisipaliteit, van wie—  
 (i) een ’n geregistreerde beplanner moet wees; of  
 (ii) indien ’n munisipaliteit nie ’n geregistreerde beplanner het nie, een kennis en ondervinding van grondgebruikbeplanning moet hê;”;
- (f) deur paragraaf (g) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(g) ’n verteenwoordiger van elke nasionale departement verantwoordelik vir plaaslike regering, grondsake, stedelike en landelike ontwikkeling, streeksbeplanning en -ontwikkeling, omgewingsake, landbou, behuising, paaie en openbare werke, benoem deur die hoofde van elk van daardie nasionale departemente;”;
- (g) deur paragraaf (j) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(j) ’n verteenwoordiger van elke naburige provinsiale regering, benoem deur elk van die departementshoofde verantwoordelik vir provinsiale beplanning in daardie provinsiale regerings.”.

#### **Wysiging van regulasie 4 van die Regulasies**

5. Regulasie 4 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2)(a) Die lede van ’n provinsiale komitee kan skriftelike kommentaar of verhoë indien op ’n konsep- provinsiale ruimtelike ontwikkelingsraamwerk, konsepwysiging van ’n provinsiale ruimtelike ontwikkelingsraamwerk of konsepdokument wat daarmee verband hou, namens die staatsorgane of die Suid-Afrikaanse Vereniging vir Plaaslike Regering wat hulle verteenwoordig, wanneer hulle deur die voorsitter van die komitee versoek word om dit te doen.

(b) Indien geen kommentaar teen die sperdatum ingedien is nie, word daar aanvaar dat die lede van die provinsiale komitee geen kommentaar het op die konsep- provinsiale ruimtelike ontwikkelingsraamwerk, konsepwysiging van ’n provinsiale ruimtelike ontwikkelingsraamwerk of konsepdokument wat daarmee verband hou nie.”.

#### **Wysiging van regulasie 5 van die Regulasies**

6. Regulasie 5 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Die provinsiale komitee moet op die tye en plekke vergader wat die voorsitter bepaal.”.

### Wysiging van regulasie 8 van die Regulasies

#### 7. Regulasie 8 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(b) twee ander verteenwoordigers van die Departement wat kennis en ondervinding van grondgebruikbeplanning het, van wie een ’n geregistreerde beplanner moet wees, benoem deur die Departementshoof;”;
- (b) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(c) ’n verteenwoordiger van die provinsiale departement verantwoordelik vir omgewingsake wat kennis en ondervinding van omgewingsbestuur het, benoem deur die hoof van daardie departement;”;
- (c) deur paragraaf (d) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(d) ’n verteenwoordiger van elk van die ander provinsiale departemente, benoem deur elk van die hoofde van die provinsiale departemente;”;
- (d) deur paragraaf (e) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(e) ’n munisipale verteenwoordiger wat ’n geregistreerde beplanner is, van elke munisipaliteit in die streek waarop die provinsiale streeks- ruimtelike ontwikkelingsraamwerk van toepassing sal wees, benoem deur elk van daardie munisipaliteite of, indien ’n munisipaliteit nie ’n geregistreerde beplanner het nie, ’n munisipale werknemer van daardie munisipaliteit wat kennis en ondervinding van grondgebruikbeplanning het; en”;
- (e) deur in subregulasie (7)(c) subparagraaf (i) deur die volgende subparagraaf te vervang:  
 “(i) minstens drie munisipaliteite in die streek waarop die streeks- ruimtelike ontwikkelingsraamwerk of die wysiging daarvan van toepassing sal wees; of”.

### Wysiging van regulasie 10 van die regulasies

#### 8. Regulasie 10 van die Regulasies word gewysig—

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:  
 “(b) voorgestelde grondontwikkeling wat ’n gebied van vyf hektaar of meer landbougrond aanwend wat bewerk of besproei is gedurende die tienjaartydperk onmiddellik voor die voorgestelde grondontwikkeling wat stedelike ontwikkeling of stedelike uitbreiding behels, met inbegrip van residensiële, oord-, sake-, nywerheids- en gemeenskapsontwikkeling, nutsdienste of vervoergebruike, maar uitgesonderd landbougrondgebruike of grondontwikkeling wat gewoonlik met landbougebruik verbind word soos landboubergings- en -verpakkingsfasiliteite, landbounywerhede of akkommodasie vir *bona fide*-plaaswerkers;”;
- (b) deur ná paragraaf (b) van subregulasie (1) die volgende paragrawe by te voeg:  
 “(c) voorgestelde grondontwikkeling vir prospektering, mynbou of steengroefwerk wat ’n gebied van vyf of meer hektaar op landbougrond aanwend;  
 (d) voorgestelde grondontwikkeling vir enige skaliegasmynaktiwiteite, uitgesonderd enige eksplorasië-aktiwiteite wat seismiese toetsing en gestratifiseerde boorwerk behels; en  
 (e) voorgestelde grondontwikkeling vir enige kernkragopwekkingsfasiliteit.”;
- (c) deur paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:  
 “(b) voorgestelde grondontwikkeling waarvoor daar spesifiek voorsiening gemaak word in die toepaslike plaaslike munisipale ruimtelike ontwikkelingsraamwerk wat soos beoog in artikel 14 van die Wet by die Provinsiale Minister ingedien is.”;

- (d) deur paragraaf (c) van subregulasie (2) te skrap; en
- (e) deur die woorde wat paragraaf (a) van subregulasie (3) voorafgaan, met die volgende woorde te vervang:

“Voordat enige kategorie van grondontwikkeling ingevolge subregulasie (1)(a) gelys word, moet die Provinsiale Minister ’n kennisgewing in die *Provinsiale Koerant* publiseer—”.

### **Wysiging van regulasie 11 van die Regulasies**

9. Regulasie 11 van die Regulasies word gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) Die Departementshoof moet notule hou van die verrigtinge van ’n konsultasie voor aansoek en ’n databasis byhou van die aansoeke wat ontvang word.”.

### **Wysiging van regulasie 12 van die Regulasies**

10. Regulasie 12 van die Regulasies word gewysig deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) Die betrokke eenaar moet die korrespondensie en kennisgewings beoog in subregulasie (6) van die agent bekom, en die agent moet die eenaar te alle tye op hoogte hou.”.

### **Wysiging van regulasie 23 van die Regulasies**

11. Regulasie 23 van die Regulasies word gewysig—

- (a) deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) ’n Appèl moet aangeteken word binne 21 dae vanaf die datum van kennisgewing van die besluit ten opsigte waarvan die appèl aangeteken word, en vir hierdie doel moet die appèl die kantoor van die Provinsiale Minister bereik binne die genoemde tydperk, ongeag die afleweringmetode.”;

- (b) deur ná subregulasie (3) die volgende subregulasie in te voeg:

“(3A) Die Provinsiale Minister kan—

(a) op skriftelike versoek wanneer die appèl aangeteken word; en

(b) by aanvoering van grondige redes,

’n bykomende tydperk van tot 21 dae toelaat vir die indiening van bykomende inligting oor ’n appèl wat soos beoog in subregulasie (3) aangeteken is.”;

- (c) deur ná paragraaf (b) van subregulasie (6) die volgende paragraaf in te voeg:

“(bA) oor ’n versoek beoog in subregulasie (3A) besluit;”;

- (d) deur in subregulasie (6)(c) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) indien die appèl aan hierdie regulasie voldoen, die appellant in kennis stel van die aanvaarding van die appèl en, indien van toepassing, of ’n bykomende tydperk beoog in subregulasie (3A) toegestaan word;”;

- (e) deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) ’n Persoon, met inbegrip van die aansoeker indien die appellant nie die aansoeker is nie, wat ingevolge subregulasie (6)(c)(iii) kennis van ’n appèl ontvang het, kan, binne 21 dae vanaf die datum van kennisgewing van die appèl, of binne die verdere tydperk waartoe die Provinsiale Minister ingestem het, skriftelike kommentaar daarop indien by die Provinsiale Minister en afskrifte daarvan verskaf aan die appellant en, indien die appellant nie die aansoeker is nie, ook aan die aansoeker.”;

(f) deur subregulasie (12) deur die volgende subregulasie te vervang:

“(12) Die Provinsiale Minister kan enige staatsorgaan, aansoeker of appellant versoek om kommentaar op ’n appèl te lewer of om bykomende inligting wat die Provinsiale Minister mag benodig, in verband met die appèl, in te dien.”; en

(g) deur subregulasie (14) deur die volgende subregulasie te vervang:

“(14) Die tydperk van 15 Desember tot 5 Januarie word uit die berekening van enige tydperk bedoel in subregulasie (6)(c) en regulasies 24 en 33 uitgesluit.”.

### **Wysiging van regulasie 25 van die Regulasies**

12. Regulasie 25 van die Regulasies word gewysig deur ná subregulasie (2) die volgende subregulasie by te voeg:

“(3) Die oorlegpleging tussen die Provinsiale Minister en die Provinsiale Minister verantwoordelik vir landbou moet afgehandel word binne 30 dae vanaf ontvangs deur die Provinsiale Minister verantwoordelik vir landbou van die verwysing beoog in subregulasie (1).”.

### **Wysiging van regulasie 26 van die Regulasies**

13. Regulasie 26 van die Regulasies word gewysig deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

“(b) binne 190 dae vanaf ontvangs van alle tersaaklike inligting, met inbegrip van enige kommentaar of antwoorde op kommentaar, stawende dokumentasie, verslae of enige bykomende inligting wat aangevra is.”.

### **Vervanging van regulasie 27 van die Regulasies**

14. Regulasie 27 van die Regulasies word deur die volgende regulasie vervang:

“27. Die Provinsiale Minister moet, binne 14 dae vanaf sy of haar besluit oor ’n appèl, die appellant, die aansoeker indien die appellant nie die aansoeker is nie en enige persoon wat kommentaar op die appèl ingedien het, in kennis stel van die besluit en die redes daarvoor.”.

### **Oorgangsbepalings**

15. (1) Enige aansoek of appèl wat ingevolge die Regulasies ingedien is voor die inwerkingtreding van hierdie regulasies, moet geadministreer word asof hierdie regulasies nie gemaak is nie.

(2) Ondanks subregulasie (1), indien ’n besluit oor ’n aansoek of appèl beoog in daardie subregulasie hangend is in omstandighede waar die voorgestelde grondontwikkeling nie meer goedkeuring vereis nie, moet die Departementshoof, of die Provinsiale Minister in die geval van ’n appèl, die aansoek of appèl as terruggetrek beskou.

(3) ’n Goedkeuring wat toegestaan is, en enige voorwaarde wat opgelê is, ingevolge die Regulasies voor die inwerkingtreding van hierdie regulasies, bly van krag.

### **Kort titel**

16. Hierdie regulasies heet die Wes-Kaapse Regulasies op Grondgebruikbeplanning, 2015: Wysiging, 2019.

### Vervanging van Aanhangsel B van die Regulasies

17. Aanhangsel B van die Regulasies word deur die volgende Aanhangsel vervang:

#### “AANHANGSEL B

##### AANSOEKVORM: GRONDONTWIKKELING

*(Artikel 53 van die Wet en regulasies 10 en 12)*

##### VORM VIR AANSOEK OM VERLENGING VAN GELDIGHEIDSTYDPERK

*(Artikel 57 van die Wet en regulasie 28)*

#### DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

<b>Adres van Departement</b> <i>(Moet deur 'n amptenaar ingevul word)</i>			
<b>Verwysingsnommer</b> <i>(Moet deur 'n amptenaar ingevul word)</i>			
<i>Vul hierdie vorm in deur BLOKletters te gebruik en die gepaste blokkies te merk.</i>			
<b>DEEL A: AANSOEKE INGEVOLGE DIE WET</b>			
<b>Grondontwikkeling</b> <i>(Artikel 53(2) van die Wet en regulasies 10(4) en 12)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel H.
<b>Wysiging van goedkeuring van grondontwikkeling</b> <i>(Artikel 53(2) van die Wet en regulasies 10(5) en 12)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel H.
<b>Verlenging van geldigheidstydperk</b> <i>(Artikel 57(2) van die Wet en regulasie 28)</i>	J	N	Indien ja, vul alle dele van hierdie aansoekvorm in behalwe Deel G.
<b>DEEL B: BESONDERHEDE VAN AANSOEKER</b>			
Voornaam/-name			
Van			
Naam van maatskappy <i>(Indien van toepassing)</i>			
Posadres		Pos- kode	
E-pos			
Tel.		Faks.	
		Sel.	

<b>DEEL C: BESONDERHEDE VAN EIENAAR(S)</b> <i>(Indien dit van aansoeker verskil)</i>										
Volle naam/name										
Fisiese adres(se)								Poskode		
E-pos										
Tel.				Faks.				Sel.		
<b>DEEL D: BESONDERHEDE VAN EIENDOM</b> <i>(Volgens titelakte)</i>										
Beskrywing van eiendom <i>(Nommer(s) van Erf/Erwe/Gedeelte(s) of Plaas/Plase)</i>										
Fisiese adres								Dorp/Stad		
Geografiese koördinate (Grade, minute en sekondes)		S	° ' "			O	° ' "			
Huidige sonering					Omvang	m <sup>2</sup> /ha		Is daar bestaande geboue?	J	N
Huidige grondgebruik										
Nommer en datum van titelakte		T								
Enige beperkende voorwaardes?		J	N	Indien ja, lys voorwaardes						
Is die eiendom met 'n verband beswaar?		J	N	Indien ja, lys verbandhouer(s)						



DEEL E: KONSULTASIE VOOR AANSOEK (Regulasie 11)					
Was daar enige konsultasie voor aansoek?	J	N	Indien ja, vul die inligting hieronder in en heg die notule van die konsultasie voor aansoek aan.		
Amptenaar se naam		Verwysings-nommer		Datum van konsultasie	

DEEL F: AANSOEGELDE* (Aanhangsel D)	
Grondontwikkelingsaansoek	R5000
Wysiging van goedkeuring van grondontwikkeling	R2000
Verlenging van geldigheidstydperk	R2000
<b>Totale aansoekgelde</b>	

VRYSTELLING VAN AANSOEGELDE** (Aanhangsel D)					
Die ontwikkeling word met 'n staatstoekenning befonds.	J	N	Die aansoeker is 'n staatsorgaan.	J	N

\* Die aansoekgelde sluit nie die koste van publikasie van 'n kennisgewing in die Provinsiale Koerant of media of die betekening van kennisgewings beoog in regulasie 14, 16 of 28 in nie omdat die aansoeker vir die koste van hierdie kennisgewings aanspreeklik is.

\*\* Indien vrygestel van betaling van gelde, heg bewys aan.

BANKBESONDERHEDE (Moet deur 'n amptenaar ingevul word)	
Naam:	Departement van Omgewingsake en Ontwikkelingsbeplanning
Bank:	
Taknommer:	
Rekeningnommer:	
*** Geldeverwysing:	.....
	(U spesifieke geldeverwysingsnommer <b>MOET</b> as depositoverwysing gebruik word wanneer u 'n betaling doen.)
*** Kry asb. 'n spesifieke geldeverwysingsnommer by die Departement.	

**BANKBESONDERHEDE VAN AANSOEKER (Regulasie 35)**

Die aansoeker moet sy of haar bankbesonderhede hieronder invul vir die terugbetaling van die aansoekgelde indien die aansoek teruggetrek word en die aansoekgelde nie verbeur is nie.

Naam:

Bank:

Taknommer:

Rekeningnommer:

**DEEL G: AANHEGSELS EN STAWENDE INLIGTING EN DOKUMENTASIE VIR AANSOEK OM GRONDONTWIKKELING OF WYSIGING VAN GOEDKEURING VAN GRONDONTWIKKELING**  
(Regulasie 12(2)(a) tot (p))

**Vul die volgende kontrolelys in en heg alle inligting en dokumentasie vir die voorstel aan. Versuim om alle nodige inligting en dokumentasie in te dien, sal meebring dat die aansoek nie aanvaar word nie.**

J	N	NvT	Toestemming van verbandhouer (indien van toepassing)	J	N	NvT	Plan wat soortgelyke grondontwikkeling aandui in die streek of Provinsie as waarvoor aansoek gedoen word en wat 'n kumulatiewe uitwerking in die streek of Provinsie sal hê
J	N	NvT	Volmag/Eienaar se toestemming, indien aansoeker nie eienaar is nie	J	N	NvT	Uitlegplan van bestaande aanwending van grond, strukture en aktiwiteite
J	N	NvT	Besluit of ander bewys dat aansoeker gemagtig is om namens 'n regs persoon op te tree	J	N	NvT	Konseptuele uitlegplan
J	N	NvT	Bewys van betaling van gelde	J	N	NvT	Lys van ander goedkeurings wat vereis word vir die voorgestelde grondontwikkeling en waarvoor reeds aansoek gedoen is
J	N	NvT	Liggingsplan	J	N	NvT	Motivering vir aansoek
J	N	NvT	Volledige afskrif van die titelakte	J	N	NvT	Evaluering van die uitwerking op landbou en verbandhoudende inligting of dokumentasie
J	N	NvT	Bewys van bestaande sonering van toepassing	J	N	NvT	Enige bykomende dokumente of inligting soos gelys in die konsultasie voor aansoek
J	N	NvT	Plan wat omliggende aanwending van grond wat geraak sal word, aandui	J	N	NvT	Ander ( <i>Spesifiseer</i> )
J	N	NvT	Plan wat omliggende sonerings wat geraak sal word, aandui				
J	N	NvT	Afskrif van kennisgewing van oorspronklike besluit				

<b>DEEL H: AANHEGSELS EN STAWENDE INLIGTING EN DOKUMENTASIE VIR AANSOEK OM VERLENGING</b>									
J	N	NvT	Afskrif van kennisgewing van oorspronklike besluit		J	N	NvT	Motiveringsverslag vir verlenging	
J	N	NvT	Bewys van betaling van gelde		J	N	NvT	Ander	
<b>DEEL I: MAGTIGING(S) INGEVOLGE ANDER WETGEWING</b>									
J	N	NvT	Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999)		J	N	NvT	Verordening op Munisipale Grondgebruikbeplanning	
J	N	NvT	Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998)					Spesifieke omgewingsbestuurswet(te), byvoorbeeld	
J	N	NvT	Wet op Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970)		J	N	NvT	Wet op Omgewingsbewing, 1989 (Wet 73 van 1989), “National Environmental Management: Air Quality Act, 2004” (Wet 39 van 2004), “National Environmental Management: Integrated Coastal Management Act, 2008” (Wet 24 van 2008), “National Environmental Management: Waste Act, 2008” (Wet 59 van 2008), en die Nasionale Waterwet, 1998 (Wet 36 van 1998)	
J	N	NvT	Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013)		J	N	NvT	Ander ( <i>Spesifiseer</i> )	

**DEEL J: VERKLARING**

Ek bevestig hierby dat—

1. die inligting vervat in hierdie aansoekvorm en die bygaande dokumentasie volledig en korrek is;
2. ek daarvan bewus is dat dit ingevolge artikel 74(1)(b) van die Wet 'n misdryf is om besonderhede, inligting of antwoorde te verstrek met die wete dat die besonderhede, inligting of antwoorde onwaar, foutief of misleidend is of indien ek nie van mening is dat dit korrek is nie;
3. ek behoorlik gemagtig is om hierdie aansoek namens die eienaar te doen en (waar van toepassing) dat 'n afskrif van die tersaaklike volmag of toestemming hierby aangeheg is; en
4. waar 'n agent aangestel is om hierdie aansoek namens die eienaar in te dien, daar aanvaar word dat korrespondensie van en kennisgewings deur die Departementshoof ingevolge die Wet en hierdie regulasies slegs aan die agent gestuur sal word en dat die eienaar gereeld in hierdie verband met die agent sal konsulteer.

Aansoeker se handtekening \_\_\_\_\_

Datum

Volle naam

Professionele hoedanigheid

**SLEGS VIR KANTOORGEBRUIK**

Datum ontvang: \_\_\_\_\_

Ontvang deur: \_\_\_\_\_

Departementstempel

### Vervanging van Aanhangsel C van die Regulasies

14. Aanhangsel C van die Regulasies word deur die volgende Aanhangsel vervang:

#### “AANHANGSEL C

<b>APPÈLVORM</b> <i>(Artikel 56 van die Wet en regulasie 23)</i>			
<b>DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING</b>			
<b>Adres van Departement</b> <i>(Moet deur 'n amptenaar ingevul word)</i>			
<b>Verwysingsnommer</b> <i>(Moet deur 'n amptenaar ingevul word)</i>			
<i>Vul hierdie vorm in deur BLOKletters te gebruik en die gepaste blokkies te merk.</i>			
<i>Neem kennis: 'n Appèl na die Provinsiale Minister moet binne 21 dae vanaf die datum van registrasie van kennisgewing van die besluit ingedien word.</i>			
<b>DEEL A: APPÈL</b>			
Appelleer u teen die besluit van die Departementshoof?	J	N	
Appelleer u teen 'n voorwaarde van goedkeuring wat deur die Departementshoof opgelê is?	J	N	Indien ja, lys voorwaarde(s) in Deel F
Appelleer u omdat u regte aangetas is deur die Departementshoof se versuim om binne die voorgeskrewe tydperk oor u aansoek te besluit?	J	N	
Datum van besluit	DD/MM/JJJJ	Datum van kennisgewing	DD/MM/JJJJ
<b>DEEL B: BESONDERHEDE VAN APPELLANT</b>			
Voornaam/-name			
Van			
Naam van maatskappy of regspersoon <i>(Indien van toepassing)</i>			
Fisiese adres			
Posadres <i>(Indien dit van fisiese adres verskil)</i>		Poskode	
Tel.		Faks.	
		Sel.	

<b>DEEL C: BESKRYWING VAN APPELLANT SE EIENDOM</b> ( <i>Eiendom wat deur voorgestelde ontwikkeling geraak word</i> )									
Beskrywing van eiendom <i>Nommer(s) van Erf/Erwe/ Gedeelte(s) of Plaas/Plase</i>							Dorp/Stad		
Geografiese koördinate (Grade, minute en sekondes)	°	'	"	S	°	'	"	O	
Fisiese adres									
<b>DEEL D: BESONDERHEDE VAN EIENDOM WAAROP ONTWIKKELING GAAN PLAASVIND</b>									
<i>Nommer(s) van Erf/Erwe/ Gedeelte(s) of Plaas/Plase</i>							Dorp/Stad		
Fisiese adres									
<b>DEEL E: APPÈL VAN GERAAKTE PERSOON/PERSONE</b>									
Hoe is u in kennis gestel van die besluit waarteen u appelleer?	Koerant	J	N	<i>Provinsiale Koerant</i>	J	N	Ander ( <i>Spesifiseer</i> )		
<b>Verklaar* waarom die besluit of voorwaardes van goedkeuring u regte aantas:</b>									
<p>* <i>Verklaring kan aangeheg word.</i></p>									

**DEEL F: MOTIVERING EN REDES VIR APPÈL\***

\* Motivering en redes vir appèl kan aangeheg word.

**DEEL G: APPÈLGELDE\* (Aanhangsel D)**

<b>Appèl</b>	R0
<b>Totale appèlgelde*</b>	R0

**VRYSTELLING VAN APPÈLGELDE\*\* (Aanhangsel D)**

Die ontwikkeling is 'n gemeenskapsgebaseerde projek wat deur 'n regeringstoekenning befonds word.	J	N	Die aansoeker is 'n staatsorgaan.	J	N
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\* Die appèlgelde sluit nie die koste vir kennisgewing ingevolge regulasie 23 in nie omdat die appellant aanspreeklik is vir die koste van daardie kennisgewings.  
 \*\* Indien vrygestel van die betaling van appèlgelde, heg bewys aan.

**BANKBESONDERHEDE VAN DEPARTEMENT (Moet deur 'n amptenaar voltooi word)**

Naam: Departement van Omgewingsake en Ontwikkelingsbeplanning

Bank:

Taknommer:

Rekeningnommer:

**Geldeverwysing: \*\*\*** .....

(U spesifieke geldeverwysingsnommer **MOET** as depositoverwysing gebruik word wanneer u 'n betaling doen.)

**\*\*\*Kry asb. 'n spesifieke geldeverwysingsnommer by die Departement.**

**BANKBESONDERHEDE VAN APPELLANT (Regulasie 35)**

Die appellant moet sy of haar bankbesonderhede hieronder invul vir die terugbetaling van appèlgelde indien die aansoek teruggetrek word en die aansoekgelde nie verbeur is nie.

Naam:

Bank:

Taknommer:

Rekeningnommer:

**DEEL H: AANHEGSELS EN STAWENDE INLIGTING**

**Vul die volgende kontrolelys in en heg dokumente aan waar van toepassing.**

J	NvT	Bewys van kennisgewing van besluit
J	NvT	Afskrif van besluit en voorwaardes van goedkeuring
J	NvT	Bewys van betaling van gelde
J	NvT	Verklarings
J	NvT	Motivering en redes vir appèl
J	NvT	Ander ( <i>Spesifiseer</i> )

**DEEL I: VERKLARING**

Ek bevestig hierby dat—

1. die inligting vervat in hierdie vorm en bygaande dokumentasie volledig en korrek is; en
2. ek daarvan bewus is dat dit ingevolge artikel 74(1)(b) van die Wet 'n misdryf is om besonderhede, inligting of antwoorde te verskaf met die wete dat die besonderhede, inligting of antwoorde onwaar, foutief of misleidend is of indien ek nie van mening is dat dit korrek is nie.

Appellant se handtekening \_\_\_\_\_

Datum

Volle naam



**SLEGS VIR KANTOORGEBRUIK**

Datum ontvang:

Ontvang deur:

\_\_\_\_\_

\_\_\_\_\_

Departementstempel

”

## ISAZISO SEPHONDO

I.S. 51/2019

15 uTshazimpuzi 2019

### UMTHETHO WOCWANGCISO LOKUSETYENZISWA KOMHLABA ENTSHONA KOLONI, KA-2014 (UMTHETHO 3 KA-2014) IMIMISELO YOCWANGCISO LOKUSETYENZISWA KOMHLABA ENTSHONA KOLONI, KA- 2015: UKWENZIWA KWEZILUNGISO OKUSAYILWAYO, KA-2019

UMphathiswa wePhondo kaRhulumente wezaseKhaya, iMicimbi yezeNdalo noCwangciso loPhuhliso, phantsi kwecandelo 76 loMthetho woCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ka-2014 (UMthetho 3 ka-2014), unenjongo yokwenza imimisele ebhalwe kule Shedyuli.

#### ISHEDYULI

##### Inkcazelo-magama

1. Kule mimisele “iMimisele” ithetha iMimisele yoCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ka-2015, owapapashwa phantsi kweSaziso sePhondo 203/2015 somhla wama-26 Juni 2015.

##### Ukwenziwa kwesiLungiso noCwangciso lweMimisele

2. Ucwangciso lweMimisele phambi kommisele 1 weMimisele yenziwa lwenziwa imimisele ngokutshintshwa kokubhekiselela kwisihloko kummisele 10 walo mba ulandelayo:

“10. Uphuhliso lomhlaba lufuna imvume yephondo neentlobo ezixolelwayo zophuhliso lomhlaba”.

##### Ukwenziwa kwesiLungiso 1 seMimisele

3. IMimisele 1 yeMimisele yenziwe izilungiso—

(a) Ngokutshintshwa kwenkcazelo-gama “umhlaba wezolimo” wale nkcazelo-gama ilandelayo: “**umhlaba wezolimo**’ uthetha umhlaba ongaphandle kwasesiphelweni esingaphandle sendawo yasedolophini ekhoyo ngoku, kungabandakanywanga

(a) Mhlaba owawufumaneka ngoko nangoko phambi kokuqala kwalo Mthetho obekelwe enye injongo engeyiyo eyezolimo;”;

(b) nangokongeza emva kwenkcazelo-gama “yoMthetho” yale nkcazelo-gama ilandelayo: “**iinkonzo zezibonelelo**’ zithetha ukusetyenziswa okanye iziseko zophuhliso ezifunekayo ukubonelela ngeenkonzo zobunjini nokufana noko ukwenzela ukusebenza kakuhle kophuhliso lwasezidolophini, yaye kubandakanya imithombo yamanzi kunye nemisebenzi yokucocwa kwawo, isikhulu sombane esincinane kunye nesibonelelo sokuveliswa kwawo, izibonelelo zokugcina amanzi ezikhukula, isikhululo esinempompo yokumpompa amanzi asetyenzisiweyo kunye nemisebenzi yokuwacoca, isikhululo sombane esincinane kunye nesikhululo sonxibelelwano sesiseko esizimeleyo, kodwa asibandakanyi nombane kunye neentambo zokuthumela imiyalezo, neentambo zangaphantsi komhlaba, imibhobho, imijelo okanye iindlela.”.

##### Ukwenziwa kwesiLungiso kommisele 3 weMimisele

4. UMmisele 3 weMimisele wenziwe izilungiso—

(a) ngokutshintshwa komhlathi (b) wommiselelwana (1) walo mhlathi ulandelayo:

“(b) ababini abanye abameli beSebe abanolwazi, kunye namava, kwezo-cwangciso lomhlaba, abatyunjwe yiNtloko yeSebe;”;

(b) ngokutshintshwa komhlathi (c) wommiselelwana (1) walo mhlathi ulandelayo:

“(c) abameli abathathu beSebe abangabacwangcisi ababhalisiweyo, abatyunjwe yiNtloko yeSebe;”;

- (c) ngokutshintshwa komhlathi (d) wommiselwana (1) walo mhlathi ulandelayo:  
“(d) abameli ababini besebe lephondo elinoxanduva lemicimbi yezendalo abanolwazi, namava, kulawulo lwezendalo, abatyunjwe yintloko yelo sebe;”;
- (d) ngokutshintshwa komhlathi (e) wommiselwana (1) walo mhlathi ulandelayo:  
“(e) ummeli wesebe ngalinye lamanye amasebe ephondo, atyunjwe yintloko nganye yeentloko zaloo masebe ephondo;”;
- (e) ngokutshintshwa komhlathi (f) kommiselwana (1) walo mhlathi ulandelayo:  
“(f) abameli bakamasipala ababini bakamasipala ngamnye, wezasekhaya, wesithili kunye nasezidolophini, otyunjwe ngumasipala ngamnye, omnye wabo—  
(i) kufuneka abe ngomnye wabacwangcisi ababhalisiweyo; okanye  
(ii) ukuba umasipala akanaye umcwangcisi obhalisiweyo, omnye maka-be nolwazi, namava, kucwangciso lokusetyenziswa komhlaba;”;
- (f) ngokutshintshwa komhlathi (g) wommiselwana (1) walo mhlathi ulandelayo:  
“(g) ummeli wesebe likazwelonke ngalinye elinoxanduva lukarhulumente wezasekhaya, imicimbi yemihlaba, uphuhliso lweedolophu namaphandle, ucwangciso nophuhliso lwemimandla, ezendalo, ezolimo, ezobonelelo lwezindlu, ezendlela nemisebenzi karhulumente, abatyunjwe ziintloko zesebe ngalinye laloo masebe kazwelonke;” yaye
- (g) nangokutshintshwa komhlathi (j) wommiselwana (1) walo mhlathi ulandelayo:  
“(j) ummeli karhulumente wephondo elingummelwane, elityunjwe yintloko nganye yeentloko zamasebe anoxanduva lokucwangcisa kwiphondo kwabo rhulumente bamaphondo.”.

#### Ukwenziwa kwesilungiso kommiselo 4 weMimiselo

5. UMmiselo 4 weMimiselo wenziwe izilungiso ngokutshintshwa kommiselwana (2) wale mimiselwana ilandelayo:

“(2)(a) Amalungu ekomiti yephondo anokungenisa amagqabantshintshi abhaliweyo okanye iingcaciso-ntetho ngokumalunga nomgaqo-sikhokelo osayilwayo wephondo wophuhliso lwezithuba ezivulelekileyo, umgaqo-sikhokelo osayilwayo wephondo owenziwa izilungiso okanye uxwebhu olusayilwayo olunxulumene noku egameni lamaqumrhu karhu-lumente okanye umbutho i-*South African Local Government Association* obameleyo, xa ecelwe ukuba enjenjalo ngusihlalo wekomiti.

(b) Ukuba akangeniswanga amagqabantshintshi ngomhla omiselweyo, kuya kwamkelwa ukuba amalungu ekomiti akanawo amagqabantshintshi ngokumalunga nomgaqo-sikhokelo osayilwayo wephondo wophuhliso lwezithuba ezivulelekileyo, ukwenziwa kwesilungiso kumgaqo-sikhokelo osayilwayo wephondo okanye uxwebhu olusayilwayo olunxulumene noko.”.

#### Ukwenziwa kwesilungiso kommiselo 5 weMimiselo

6. UMmiselo 5 weMimiselo wenziwa isilungiso sommiselwana (2) walo mmiselwana ula-ndelayo:

“(2) Ikomiti yephondo kufuneka ihlangane kumaxesha neendawo ekugqitywe malunga nazo ngusihlalo.”.

### Ukwenziwa kwesilungiso kommiselo 8 weMimiselo

#### 7. UMmiselo 8 weMimiselo wenziwa isilungiso—

- (a) ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:  
“(b) ababini abanye abameli beSebe abanolwazi, amava, kucwangciso lokusetyenziswa komhlaba, omnye wabo kufuneka abe ngumcwangcisi obhalisiweyo, otyunjwe yiNtloko yeSebe;”;
- (b) ngokutshintshwa komhlathi (c) wommiselwana (1) walo mhlathi ulandelayo:  
“(c) ummeli wesebe lephondo elinoxanduva lemicimbi yezendalo onolwazi, amava, kulawulo lwezendalo, otyunjwe yintloko yelo sebe;”;
- (c) ngokutshintshwa komhlathi (d) wommiselwana (1) walo mhlathi ulandelayo:  
“(d) ummeli wesebe ngalinye lamanye amasebe ephondo, onyulwe yintloko nganye yeentloko zamaphondo wamasebe;”;
- (d) ngokutshintshwa komhlathi (e) wommiselwana (1) walo mhlathi ulandelayo:  
“(e) ummeli kamasipala ongumcwangcisi obhalisiweyo, kamasipala ngamnye kummandla lowo umgaqo-sikhokelo wephondo wophuhliso lwesithuba esivulelekileyo uya kusebenza khona, otyunjwa ngumasipala ngamnye wabo masipala okanye, ukuba umasipala akanaye umcwangcisi obhalisiweyo, umqeshwa kamasipala waloo masipala unolwazi, namava, kucwangciso lokusetyenziswa komhlaba; yaye”; yaye
- (e) ngokutshintshwa kummiselwana (7)(c) womhlathana (i) walo mhlathana ulandelayo:  
“(i) ubuncinane bathathu oomasipala kummandla ekuya kuthi kubo umgaqo-sikhokelo wephondo wophuhliso lwezithuba ezivulelekileyo somgaqo-sikhokelo okanye ukutshintshwa kwawo kuya kusebenza; okanye”.

### Ukwenziwa kwesilungiso koMmiselo 10 weMimiselo

#### 8. UMmiselo 10 weMimiselo wenziwa isilungiso—

- (a) ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:  
“(b) uphuhliso lomhlaba olucetyiswayo olusebenzisa indawo yehektare ezintlanu okanye ngaphezulu yomhlaba wezolimo oye wafumana ukulinywa okanye ukunkcenkceshelwa kwithuba leminyaka eli-10 ngoko nangoko phambi kophuhliso lomhlaba olucetyiswayo olubandakanya uphuhliso lweedolophu okwanye ukwanda kwasezidolophini, kubandakanywa uphuhliso lwee-ndawo zokuhlala, indawo yokwamkela iindwendwe, ishishini, imizi-mveliso, kunye nezophulisozoluntu nolwamashishini, iinkonzo zezibonelelo okanye usetyenziso lwezithuthi, kodwa kungabandakanywa kusetyenziswa kwemihlaba yezolimo okanye uphuhliso lomhlaba ngokuqhelekileyo olwayanyaniswa nokusetyenziswa kwezolimo njengokugcina izinto zolimo kunye nezibonelelo zokupakisha izinto, amashishini ezolimo okanye ukulungiselelwa kwabasebenzi bezolimo abangabo;”;
- (b) ngokongezwa emva komhlathi (b) kommiselwana (1) walo mhlathi ulandelayo:  
“(c) uphuhliso lomhlaba olucetyiswayo wokukhangela, wokuqhuba ishishini lomgodi okanye ukwembiwa kweekwari olusebenzisa ummandla wehektare ezintlanu okanye ngaphezulu komhlaba wezolimo;
- (d) uphuhliso lomhlaba olucetyiswayo lwayo nawuphi na umsebenzi werhasi eyembiwa ematyeni, kodwa kungabandakanywa nayiphi na imisebenzi yokuphonononga okubandakanya ukuvanywa kweentshukumo zasemathunjini omhlaba kunye nokwembiwa komgodi ngokwezigaba ngezigaba; kunye
- (e) nophuhliso lomhlaba olucetyiswayo malunga naso nasiphi na isibonelelo sokwenziwa kombane ngamandla enyukliya.”;

- (c) ngokutshintshwa komhlathi (b) wommiselwana (2) walo mhlathi ulandelayo:  
 “(b) uphuhliso lomhlaba olucetyiswayo ekubonelelwe ngalo ngqo kumgaqo-sikhokelo wophuhliso lwezithuba ezivulelekileyo zikamasipala wengingqi ezichaphazelekayo ezazingeniswe nguMphathiswa wePhondo njengoko kuchatshazelweyo kwicandelo 14 loMthetho, kunye”;
- (d) nangokucinywa komhlathi (c) wommiselwana (2); kunye
- (e) nangokutshintshwa kwamagama angaphambi komhlathi (a) wommiselwana (3) wala magama alandelayo:  
 “(3) Phambi kokudwelisa naluphi na uhlobo lophuhliso lomhlaba ngokommisselwana (1)(a), uMphathiswa wePhondo kufuneka apapashe isaziso kwiGazethi yePhondo—”.

### Ukwenziwa kwesilungiso kommiselo 11 weMimiselo

9. Ummiselo 11 weMimiselo wenziwe isilungiso ngokutshintshwa kommiselwana (4) walo mmiselwana ulandelayo:

“(4) INtloko yeSebe kufuneka igcine imizuzu yeenkqubo zothethwano olungaphambi kokwenziwa kwesicelo kunye nedathabheyisi yezicelo ezifunyenweyo.”.

### Ukwenziwa kwesilungiso 12 seMimiselo

10. Ummiselo 12 weMimiselo wenziwe isilungiso ngokutshintshwa kommiselwana (7) walo mmiselwana ulandelayo:

“(7) Umniniyo ochaphazelekayo kufuneka afumane imbalelwano nezaziso ezicha-tshaze-lwe kummiselwana (6) esuka kwiarhente, kwaye iarhente kufuneka yazise umniniyo ngawo onke amaxesha.”.

### Ukwenziwa kwesilungiso kommiselo 23 weMimiselo

11. Ummiselo 23 weMimiselo wenziwe isilungiso—

- (a) ngokutshintshwa kommiselwana (3) walo mmiselwana ulandelayo:  
 “(3) Makufakwe isibheni zingadlulanga iintsuku ezingama-21 zomhla wokwaziswa kwesigqibo ngokunxulumene nesibheni eso sifakwayo, yaye ngenjongo yoku isibheni kufuneka sifike eofisini yoMphathiswa ungadlulanga umhla osikiweyo okhankanywe ngentla kungakhathaliseki ndlela yokwenziwa kwayo.”;
- (b) ngokufakela emva kommiselwana (3) walo mmiselwana ulandelayo:  
 “(3A) UMphathiswa wePhondo unako—  
 (a) ngokwenza isicelo ngokubhaliweyo ngethuba lokufakwa kwesi-bheni; kunye  
 (b) nenjongo elungileyo ebonakalisiweyo, avumele ithuba elongezelelweyo eliya kutsho kwiintsuku ezingama-21 zokungeniswa kweenkcukacha ezongezelelweyo kwisicelo sesibheni njengoko kuchatshazelweyo kummiselwana (3);”;
- (c) ngokufaka emva komhlathi (b) wommiselwana (6) walo mhlathi ulandelayo:  
 “(bA) ukwenza isigqibo kusakuba kwenziwe isicelo soko esichatshazelwe kummiselwana (3A);”;
- (d) ngokutshintshwa kummiselwana (6)(c) womhlathana (i) walo mhlathana ulandelayo:  
 “(i) ukuba isibheni siyawuthobela lo mmiselo, azise ummenzi-sibheni malunga nokwamkelwa kwesibheni, ukuba kufanelekile, ukuba ngaba ithuba elongezelelweyo elichatshazelweyo kummiselwana (3A) liyanikwa;”;

(e) ngokutshintshwa kommiselwana (7) walo mmiselwana ulandelayo:

“(7) Umntu, kubandakanywa nomenzi-sicelo ukuba umenzi-sibheni asinguye umenzi-sicelo, ofumene isaziso sesibheni ngokommiselwana (6)(c)(iii) unokuthi, zingadlulanga iintsuku ezingama-21 zokwaziswa malunga nesibheni, okanye kwithuba elingaphezulu ekuvunyelwene ngalo nguMphathiswa wePhondo, angenise amagqabantshintshi abhaliweyo malunga noko kuMphathiswa wePhondo kunye neekopi zaso kumenzi-sibheni yaye, ukuba umenzi-sibheni akangomenzi-sicelo, kwakunye nakumenzi-sicelo.”;

(f) ngokutshintshwa kommiselwana (12) walo mmiselwana ulandelayo:

“(12) UMphathiswa wePhondo angacela naliphi na iqumrhu likarhulumente, umenzi-sicelo okanye umenzi-sibheni ukuba makenze amagqabantshintshi malunga nesibheni okanye ukufaka iinkcukacha ezingaphezulu ngokunxulumene nesibheni njengoko uMphathiswa wePhondo anokufuna.”; yaye

(g) nangokutshintshwa kommiselwana (14) walo mmiselwana ulandelayo:

“(14) Ithuba elisusela kowe-15 Disemba ukuya kwi-5 Januwari alibandakanywanga ekubalweni naliphi na ithuba ekubhekiswa kulo kummiselwana (6)(c) nakummiselo 24 nowama-33.”.

### **Ukwenziwa kwesilungiso kommiselo 25 weMimiselo**

12. Ummiselo 25 weMimiselo wenziwa isilungiso ngokongezwa emva kommiselwana (2) walo mmiselwana ulandelayo:

“(3) Uthethwano phakathi koMphathiswa wePhondo noMphathiswa wePhondo oyo-ngene nezolimo maluqunjelwe zingadlulanga iintsuku ezingama-30 kusakuba kufunye-nwe nguMphathiswa wePhondo ojongene nezolimo wenkqubo edluliselweyo echatshazelwe kummiselwana (1).”.

### **Ukwenziwa kwesilungiso kommiselo 26 wemimiselo**

13. Ummiselo 26 weMimiselo wenziwa isilungiso ngokutshintshwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:

“(b) zingadlulanga iintsuku ezili-190 zokufunyanwa kwazo zonke iinkcukacha ezifanelekileyo, kubandakanywa amagqabantshintshi okanye iimpendulo kuma-gqabantshintshi, amaxwebhu akhaphayo, iingxelo okanye nazo naziphi na iinkcukacha ezingaphezulu eziceliweyo.”.

### **Ukutshintshwa kommiselo 27 weMimiselo**

14. Lo mmiselo ulandelayo utshintshwe ngommiselo 27 weMimiselo:

“27. UMphathiswa wePhondo kufuneka, zingadlulanga iintsuku ezili-14 zesigqibo sakhe esimalunga nesibheni, ukwazisa umenzi-sibheni, umenzi-sicelo ukuba umenzi-sibheni akanguye umenzi-sicelo naye nawuphi na umntu oye wangenisa amagqabantshintshi kwisibheni sesigqibo kunye nezizathu zoko.”.

### **Amalungiselelo ngethuba leenguqu**

15. (1) Nasiphi na isicelo okanye isibheni esifakiweyo phambi kokuba le mimiselo isebenze mayisetyenziswe ngokungathi le mimiselo ayikhange yenziwe.

(2) Nangona kunqunyelwana (1), ukuba isigqibo sisalindiwe kwisicelo okanye isibonelelo esihongezwe kwicandelwano (1) kwiimeko apho isicelo sophuhliso kwalomhlaba asisalindelwanga sifumane imvume ngokomthetho, iNtloko yeSebe, okanye uMphathiswa xa funwe isibonelelo, kufuneka bacinge ukuba esisicelo okanye isibonelelo sirhoxiswe.

(3) Imvume enikeziweyo, kwaye nayiphina imimiselo ebekiweyo, ngokwemigaqo mthetho ngaphambili kokuqaliswa kwalo mgaqo, iyaqhubeka isebenza.

**Isihloko esifutshane**

16. Le mimiselo ibizwa ngokuba yiMimiselo yoCwangciso lokuSetyenziswa koMhlaba eNtshona Koloni, ngo-2015: Ukwenziwa kwesilungiso, ngo-2018.

**Ukutshintshwa kwesiHlomelo B seMimiselo**

17. Esi siHlomelo silandelayo sitshintshwa ngesiHlomelo B seMimiselo:

**“ISIHLOMELO B****IFOMU YESICELO SOPHUHLISO LOMHLABA**

*(ICandelo 53 loMthetho nemigaqo 10 kunye no-12)*

**UKWANDISWA KWESITHUBA ESISEMTHETHWENI SEFOMU YESICELO**

*(ICandelo 57 loMthetho nomgaqo 28)*

**ISEBE LEMICIMBI YEZENDALO NOCWANGCISO LWEZOPHUHLISO**

<b>IDilesi yeSebe</b> <i>(Mayizaliswe ligosa)</i>			
<b>Inombolo yesalathisi</b> <i>(Mayizaliswe ligosa)</i>			
<i>Zalisa le fom ngokusebenzisa oonobumba ABAKHULU nangokutikisha iibhokisi ezifanelekileyo.</i>			
<b>ISIQENDU A: IZICELO NGOKWALO MTHETHO</b>			
<b>UPhuhliso lomhlaba</b> <i>(ICandelo 53(2) loMthetho nemigaqo 10(4) no-12)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu H, sale fom yesicelo.
<b>Ukwenziwa kwesilungiso kwimvume yophuhliso lomhlaba</b> <i>(ICandelo 53(2) loMthetho nemigaqo 10(5) no-12)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu H, sale fom yesicelo.
<b>Ukwandiswa kwethuba lokusebenzisa umhlaba ngokusemthethweni</b> <i>(ICandelo 53(2) loMthetho nemigaqo 28)</i>	E	H	Ukuba ngu-ewe, zizalise zonke iziqendu ngaphandle kwesiqendu G, sale fom yesicelo.

**ISIQENDU B: IINKCUKACHA ZOMENZI-SICELO**

Igama (Amagama apheleleyo)					
Ifani					
Igama lenkampani ( <i>Ukuba kufanelekile</i> )					
Idilesi yeposi					Ikhowudi yeposi
I-imeyile					
Imfono- mfono		Ifeksi		Iselula	

**ISIQENDU C: IINKCUKACHA ZOMNINI / ZABANIKAZI** (*Ukuba zohlukile kwezomenzi sicelo*)

Amagama (amagama apheleleyo)					
Idilesi yendawo ohlala kuyo okanye iindawo ohlala kuzo					
					Ikhowudi yeposi
I-imeyile					
Imfono- mfono		Ifeksi		Iselula	



<b>ISIQENDU D: IINKCUKACHA ZEPROPATI</b> ( <i>Ngokuhambelana netayitile</i> )						
Inkcazelo yepropati ( <i>INombolo yeSiza/yeZiza/yeZahlulo okanye iFama kwaye neeFama</i> )						
Idilesi yendawo				Idolophu/iSixeko		
Isixokelelwano seempawu, samagama enkcazo-bume bomhlaba (amaQondo, imizuzu nemizuzwana)	°	'	S	°	'	E
Isimo somhlaba esikhoyo			Ubungakanani	m <sup>2</sup> / ha	Ingaba kukho izakhiwo ezikhoyo	E H
Usetyenziso lomhlaba ngoku						
Inombolo yesiqinisekiso somhlaba nomhla wesiqinisekiso mhlaba	T					
Ingaba ikho imiqathango ethintelayo?	E	H	Ukuba ngu-Ewe, dwelisa imiqathango			
Ingaba ipropati ikhatswa zizithintelo zebhondi?	E	H	Ukuba ngu-ewe, dwelise umnini-bhondi okanye abanini-bondi			
<b>ISIQENDU E: UTHETHWANO PHAMBI KOKWENZIWA KWESICELO</b> ( <i>UMgaqo 11</i> )						
Ingaba luye lwakhona uthethwano phambi kokwenziwa kwesicelo?	E	H	Ukuba ngu-ewe, zalisa ezi nkcukacha zingezantsi uze uqhoshele imizuzu yothethwano olwaluphambi kwesicelo.			
Igama legosa			Inombolo yesalathisi			Umhla wothethwano

<b>ISIQENDU F: UMRHUMO WESICELO* (IsiHlomelo D)</b>					
<b>Isicelo sophuhliso lomhlaba</b>				R5000	
<b>Ukwenziwa kwesilungiso kwimvume yophuhliso lomhlaba</b>				R2000	
<b>Ukwandiswa kwethuba lokusebenzisa umhlaba ngokusemthethweni</b>				R2000	
<b>Umrhumo omiselweyo wesicelo xa uwonke</b>					
<b>UKUKHULULWA EKHULAWULENI UMRHUMO WESICELO** (ISihlomelo D)</b>					
Uphuhliso luhlawulelwa ngenkxaso-mali karhulumente.	E	H	Umenzi wesicelo lisebe likarhulumente.	E	H
<p>* Umrhumo wesicelo awubandakanyi ziindleko zokupapashwa kwesaziso kwiGazethi kaRhulumente wePhondo, kumajelo opapasho okanyye ukukhustshwa kwezaziso eziqulathwe kumgaqo 14, 16 okanye 28 kuba umenzi wesicelo enoxanduva leendleko zezi zaziso.</p> <p>**Ukuba ukhululwe kwintlawulo yemirhumo yesicelo, qhoboshela ubungqina.</p>					
<b>IINKCUKACHA ZEBHANKA ZESEBE (Ziya kuzaliswa ligosa)</b>					
Igama:	ISebe leMicimbi Yezendalo Nocwangciso Lwezophuhliso				
IBhanka:					
Inombolo yeSebe.:					
Inombolo ye-Akhawunti:					
<b>*Isalathiso sentlawulo:</b>	<p>.....</p> <p>(Inombolo yesalathiso ethe ngqo yesalathiso <b>KUFUNEKA</b> isetyenziswe njengesalathiso sedipozithi xa kusenziwa intlawulo.)</p>				
*** Nceda ufumane inombolo yesalathiso ethe ngqo evela kwiSebe.					

**IINKCUKACHA ZEBHANKA ZOMENZI WESICELO (uMgaqo 35)**

*Umenzi wesicelo kufuneka azalise iinkcukacha zakhe zebhanka apha ngasezantsi ukulungiselela iinjongo zembuyekezo yemirhumo yesicelo ukuba ngaba isicelo sirhoxisiweyo yaye imirhumo yesicelo ayitshoni.*

Igama:

IBhanka:

Inombolo yeSebe.:

Inombolo ye-Akhawunti:

**ISIQENDU G: INGCACISO EQHOTYOSHELWEYO NEXHASAYO KUNYE NAMAXWEBHU  
ALUNGISELELWE ISICELO SOPHUHLISO LOMHLABA OKANYE IZILUNGISO KWIMVUME  
YOPHUHLISO LOMHLABA (uMgaqo 12(2)(a) ukuya ku-(p)).**

**Zalisa olu xwebhu loluhlu lohlolo ze uncamathisele yonke ingcaciso namaxwebhu afanelekileyo kwisindululo. Ukusilela ukungenisa yonke ingcaciso namaxwebhu afunekayo kuya kukhokhelela ekubeni isicelo singamkelwa.**

E	H	Ayi kho	Imvume yombolekisi-mali (ukuba ikho)	E	H	Ayi kho	Iplani ebonisa uphuhliso lomhlaba kummandla okanye kwiPhondo ebufana nophuhliso lomhlaba ekungeniswe isicelo sayo eya kuba nempembelelo ekhulayo kummandla okanye kwiPhondo.
E	H	Ayi kho	Igunya lokusayina /Imvume yoMnini ukuba ngaba umenzi wesicelo akanguye umnini	E	H	Ayi kho	Iplani ebonakalisa ukusetyenziswa okuqhubekayo komhlaba, izakhiwo nemisebenzi
E	H	Ayi kho	Isigqibo okanye obunye ubungqina bokokuba umenzi wesicelo ugunyazisiwe ukuba unegunya lomthetho lokumela inkampani	E	H	Ayi kho	Iplani ebonakalisa uqikelelo lokucetywayo
E	H	Ayi kho	Ubungqina bentlawulo yemirhumo	E	H	Ayi kho	Uluhlu lwezinye iimvume ezifunekayo ezilungiselelwe uphuhliso lomhlaba ocetywayo nezo kufakwe isicelo ngazo
E	H	Ayi kho	Iplani yendawo				
E	H	Ayi kho	Ikopi epheleleyo yetayitile				
E	H	Ayi kho	Ubungqina boubume bomhlaba olwenziweyo olufanelekileyo	E	H	Ayi kho	Impembelelo yesicelo
E	H	Ayi kho		E	H	Ayi kho	Uvavanyo lwempembelelo kulimo kunye nengcaciso enxulumene noko okanye amaxwebhu

E	H	Ayi kho	Iplani ebonisa ukusetyenziswa bezimo zomhlaba ezingqongileyo eziya kuchaphazeleke	E	H	Ayi kho	Amanye amaxwebhu angezelelekileyo okanye ingcaciso njengoko idwelisiwe kwindibano yokubonisana
E	H	Ayi kho	Iplani ebonisa ukusetyenziswa komhlaba ongqongileyo oya kuchaphazeleka	E	H	Ayi kho	Ezinye (Chaza)
E	H	Ayi kho	Ikopi yesaziso yesigqibp sokuqala				
<b>ISIQENDU H: IZIHOMELO NEENKCUKACHA KUNYE NAMAXWEBHU AKHAPHAYO KWISICELO SOKWANDISWA</b>							
E	H	Ayi kho	Ikopi yesaziso sesigqibo sokuqala	E	H	Ayi kho	Ukwandiswa kwengxelo yempembelelo
E	H	Ayi kho	Ubungqina bentlawulo yemirhumo	E	H	Ayi kho	Ezinye (Chaza)
<b>ISIQENDU I: ISIGUNYAZISO OKANYE IZIGUNYAZISO NGOKWEMINYE IMITHETHO</b>							
E	H	Ayi kho	UMthetho wMvelaphi eliLifa Lethu, ka-1999 (uMthetho 25 ka-1999)	E	H	Ayi kho	UMthetho kaMasipala woCwangciso loSetyenziso-Mhlaba kaMasipala
E	H	Ayi kho	UMthetho woLawulo lwezenNdalo KaZwelonke, ka-1998 (uMthetho 107 ka-1998)	E	H	Ayi kho	UMthetho othe ngqo wolawulo lokusingqongileyo, umzekelo iEnvironmental Conservation Act, 1989 (uMthetho 73 we-1989), iNational Environmental Management: Air Quality Act, 2004 (uMthetho 39 wama-2004), i National Environmental Management: Integrated Coastal Management Act, 2008 (uMthetho 24 wama-2008), iNational Environmental Management: Waste Act, 2008 (uMthetho 59 wama-2008), kunye ne National Water Act, 1998 (uMthetho 36 we-1998)
E	H	Ayi kho	UMthetho ongoKwahlulwa-hlulwa koMhlaba wezoLimo, ka-1970 (UMthetho 70 ka-1970)				
E	H	Ayi kho	UMthetho woCwangciso lweNdawo eziVulelekileyo kunye noLawulo lokuSetyenziswa koMhlaba, ka-2013 (UMthetho 16 ka-2013)	E	H	Ayi kho	Omnye (Chaza)

**ISIQENDU J: ISIBHENGEZO**

Ukwenjenje ndiqinekisa ukuba—

1. iinkcukacha eziqulathwe kule fom yesicelo kunye namaxwebhu akhaphayo azalisiwe yaye achanekile;
2. Ndiyayazi ukuba lulwaphulo-mthetho ngokwecandelo 74(1)(b) woMthetho ukubonelela ngeengcombolo, iinkcukacha okanye iimpendulo kusaziwa ukuba ezo ngcombolo, ezo nkcukacha okanye ezo mpendulo aziyonyaniso, azi-  
chanekile okanye ziyalahlekisa okanye azikholeleki ukuba zichanekile;
3. Ndigunyaziswa ngokufanelekileyo ukuba ndenze esi sicelo egameni lomnikazi kunye (apho kufanelekileyo) ikopi yegunya elisemthethweni legqwetha okanye imvume eqhotyoshelwe apha; yaye
4. apho iarhente etyunjiweyo ukungenisa esi sicelo egameni lomnikazi, kwamkelekile ukuba imbalelwano esuka kunye nezaziso zeNtloko yeSebe ngokoMthetho nangokwale mimiselo ziya kuthunyelwa kuphela kwiarhente kwanokuba umnikazi uya kuthethana qho nearhente ngokubhekisele koku.

Utyikityo lomenzi wesicelo.

Umhla

Igama alipheleleyo

Isikhundla somenzi-sicelo

**YENZELWE UKUSETYENZISWA LISEBE KUPHELA**

Umhla esifakwe ngawo:

Sifikele ku:

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\_\_\_\_\_

Isitampu seSebe

**Okubekwe endaweni yeSihlomelo C seMigaqo**

18. Esi Sihlomelo silandelayo sibekwe endaweni yeSihlomelo C seMigaqo:

**“ISIHLOMELO C**

<b>FOMU YESIBHENO</b> (ICandelo 56 loMithetho nomgaqo 23)
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**ISEBE LEMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO**

<b>Idilesi yeSebe</b> (Mayizaliswe ngumsebenzi wesebe)				
<b>Inombolo yesalathiso</b> (Mayizaliswe ngumsebenzi wesebe)				
<i>Zalisa le fomu ngokusebenzisan ONOBUMBA ABAKHULU nangokufaka uphawu kwiibhokisi ezifanelekileyo.</i>				
<i>Qaphela:</i> <i>Isibheni kuMphathiswa wePhondo kufuneka singeniswe kwisithuba seentsuku ezingama-21zomhla wokwaziswa ngesigqibo.</i>				
<b>ISIQENDU A: ISIBHENO</b>				
Ingaba ubhena kwisigqibo seNtloko yeSebe?		E	H	
Ingaba ubhena kumqathango wemvume obekwe yiNtloko yeSebe?		E	H	Ukuba ngu-ewe, chaza imiqathango kwiSiqendu F
Ingaba ubhena kuba amalungelo akho echatshazelwe lusilelo lweNtloko yeSebe ekubeni yenze isigqibo ngesicelo sakho kwixesha elibekiweyo?		E	H	
Umhla wesigqibo	DD/MM/YYYY	Umhla wokwaziswa	DD/MM/YYYY	
<b>ISIQENDU B: IINKCUKACHA ZOMFAKI-SIBHENO</b>				
Amagama akho				
Ifani				
Igama lenkampani okanye lomntu womthetho ( <i>Ukuba likhona</i> )				
Idilesi yendawo				
Idilesi yeposi ( <i>ukuba yahlukile kwidiIesi yendawo</i> )		Ikhawudi yeposi		
I-imeyile				
Im-fono-mfono		iFeksi	iSelula	

<b>ISIQENDU C: INKCAZELO YEPROPATI YOMFAKI-SIBHENO</b> ( <i>Ipropati echatshazelwe luphuhliso olucetywayo</i> )									
Inkcazelo yepropati <i>iNombolo yeZi-za/iZahlulo okanye ezeFama</i>							Idolophu/iSinxeko		
Isixokelelwano seem-pawu, samagama enkca-zobume bomhlaba (amaQondo, imizuzu nemizuzwana)	o	'	"	S	o	'	"	E	
Idilesi yendawo									
<b>ISIQENDU D: INKCAZELO YEPROPATI EKUZA KWENZIWA KUYO UPHUHLISO</b>									
Inkcazelo yepropati <i>iNombolo yeZi-za/iZahlulo okanye ezeFama</i>							Idolophu/iSinxeko		
Idilesi yendawo									
<b>ISIQENDU E: ISIBHENO ESIVELA KUMNTU/KUBANTU ABACHAPHAZELEKAYO</b>									
Waziswe njani ngesigqibo ofake isibheno kuso?	Iphephandaba	E	H	<i>IGazethi yePhondo</i>	E	H	Enye (Chaza)		
<b>Chaza* ukuba isigqibo okanye imiqathango yemvume okanye zombini ziwachaphazela njani amalungelo akho:</b>									
<p>* Inkcazelo zingaqhotyoshelwa.</p>									

**ISIQENDU F: IZIZATHU ZOKUFAKA ISIBHENO\***

\* Izizathu zokufaka isibheno zingahotyoshelwa

**ISIQENDU G: INTLAWULO YESIBHENO\* (ISihlomo D)**

<b>Isibheno</b>	R0
<b>Imali yesibheno iyonke</b>	R0

**UKUKHULULWA KWINTLAWULO YOKUBHENA\*\* (ISihlomo D)**

Uphuhliso olu yiprojekti yasekuhlaleni eh-lawulelwa ngurhulumente.	E	H	Umfaki-sicelo liziko likarhulumente	E	H
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\* Imali yesibheno ayibandakanyi iindleko zokuhambisa isaziso ngokomgaqo 23 ngoba umfaki-sicelo nguye onoxanduva lokuhlawula ezi ndleko zezi zaziso.

\*\* Ukuba waphulelwe ukuba ungahlawuli imirhumo yesibheno, qhoboshela ubungqina

**IINKCUKACHA ZEBHANKI ZESEBE (Ziya kuzaliswa ligosa)**

Igama: ISebe leMicimbi yokusiNgqongileyo noPhuhliso loCwangciso

IBhanka:

Inombolo yeSebe:

Inombolo yeAkhawunti:

\*\*\* Isalathiso seNt-lawulo:

.....

(Inombolo yesalathiso somrhumo **KUFUNeka** isetyenziswe njengesalathiso sediphozithi xa uhlawula.)

\*\*\* **Fumana inombolo yesalathiso somrhumo kwiSebe.**



**IINKCUKACHA ZEBHANKI ZOMFAKI-SIBHENO (UMgaqo 35)**

*Umfaki-sibheno kufuneka azalise iinkcukacha zakhe zebhanki apha ngezantsi ukulungiselela imbuyekezo yemali yesibheno ukuba isibheno sirhoxisiwe yaye imali yesibheno ayitshonanga.*

Igama:

IBhanka:

Inombolo yeSebe:

Inombolo yeAkhawunti:

**ISIQENDU H: AMAXWEBHU AQHOTYOSHELWEYO NEENKCUKACHA EZIXHASAYO**

**Zalisa olu ludwe lohlolo lulandelayo ze uqhoboshele ezinye iinkcukacha apho kuyimfuneko.**

E	Ayik ho	Ubugqina bokwaziswa ngesigqibo
E	Ayik ho	Ikopi yesigqibo nemiqathango yemvume
E	Ayik ho	Ubugqina bentlawulo yemirhumo
E	Ayik ho	Iinkcazelo
E	Ayik ho A	Izizathu zokufaka isibheno
E	Ayik ho	Okunye ( <i>Chaza</i> )

**ISIQENDU I: ISIFUNGO**

Ndiyaqinisekisa ukuba-

1. iinkcukacha eziqulathwe kule fomu namaxwebhu aqhotyeshelweyo ziphelele yaye zinyanisekile;
2. ndiyazi ukuba kulityala ngokwecandelo 74(1)(b) loMthetho ukunikeza iinkcukacha okanye iimpendulo ndisazi ukuba ezo nkcukacha okanye ezo mpendulo aziyonyani, azichanekanga okanye ziyalahlekisa okanye endikholelwa ukuba azichanekanga.

Utyikityo lomfaki-sibheno \_\_\_\_\_

Umhla

Igama nefani

**IZALISWA YI-OFISI KUPHELA**

Umhla esifakwe ngawo:

Sifikele ku:

\_\_\_\_\_

\_\_\_\_\_

Isitampu seSebe



